



**BEFORE THE  
DEPARTMENT OF TRANSPORTATION  
FEDERAL AVIATION ADMINISTRATION**

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Notice of Proposed Rulemaking	)	
	)	
Reduced Vertical Separation	)	
Minimum	)	
	)	

**Docket No. FAA-2000-8490**

**COMMENTS OF  
THE COALITION OF AIRLINE PILOTS ASSOCIATIONS**

As part of its ongoing efforts to promote one level of safety, the Coalition of Airline Pilots Associations ("CAPA") hereby submits these comments to the Federal Aviation Administration ("FAA") in response to the above-referenced notice of proposed rulemaking, *Reduced Vertical Separation Minimum*, Docket No. FAA-2000-8490, Notice No. 00-16 ("RSVM Proposed Rule"), 65 Fed. Reg. 79284 (Dec. 18, 2000) (proposed amendment to 14 CFR Part 91). Our member pilots operate flights that would be affected by the proposed rule to implement Reduced Vertical Separation Minimum ("RVSM") in the New York Flight Information Region portion of the West Atlantic Route System airspace.

CAPA is a coalition of seven pilots unions representing over 25,000 pilots: *Allied Pilots Association* ("APA"), flying for American Airlines; *Fedex Pilots Association* ("FPA"), flying for Federal Express; *Independent Pilots Association* ("IPA"), flying for United Parcel Service ("UPS"); *International Brotherhood of teamsters (Airline Division)*, flying for ATI, Custom Air Transport, Executive Jet, Express One, Fine Air, Grand Air Express, Horizon

Air, Kittyhawk International, Great Lakes, Chautauqua, World Airways, and Zantop; *National Pilots Association*, flying for AirTran Airways; *Southwest Airlines Pilots' Association*, flying for Southwest Airlines; and *Teamsters Local 1224 Airborne (IBT 1224)*, flying for Airborne Express ("Airborne").

CAPA has a general interest in the improvement of aviation safety, and has participated in a variety of regulatory, legislative and judicial proceedings to advance this goal. Among these proceedings, CAPA member IPA has submitted comments to FAA in a prior rulemaking on RVSM in Pacific Oceanic airspace. See *Reduced Vertical Separation Minimum*, Docket No. FAA-1999-5925, 64 Fed. Reg. 37017 (July 8, 1999) and Comments of the Independent Pilots Association in Docket No. FAA-1999-5925 (filed Sept. 7, 1999) ("IPA Comments").

CAPA does not object in principle to the concept of reducing vertical separation, as long as safety is not compromised. However, reducing separation minima without also requiring TCAS would jeopardize safety. Requiring TCAS would provide an important safety net for aircraft and crews operating in a reduced vertical separation environment, ensuring that safety is not compromised by the operation of aircraft in greater proximity to each other. As IPA commented previously on the proposed RVSM in Pacific Oceanic airspace (IPA Comments at 3), it is undisputed that TCAS enhances safety, and it has been credited with preventing midair collisions – exactly the type of accident that could otherwise be fostered by reducing vertical separation of aircraft.

FAA's proposal references the ICAO standards for TCAS II, specifically that "all turbine-engine aircraft with a maximum certified take-off mass (gross weight) that exceeds 15,000 kg (33,000 pounds) or authorized to carry more than 30 passengers shall be equipped with ACAS II [TCAS II] by January 1, 2003." *RVSM Proposed Rule*, 65 Fed. Reg. at 79284,

79288. Ironically, however, the FAA does not follow this standard. Instead, the FAA mandates TCAS merely based on seats, rather than on seats *or* gross take-off weight. As a result, large cargo aircraft (those exceeding 15,000 kg gross take-off weight) are not required to be equipped with TCAS II. The *RSVM Proposed Rule* goes on to state that it “would not amend or be affected by rules that require that TCAS be installed in aircraft.” *Id.* at 79287. Those rules, 14 CFR 121.356, 125.224, and 135.180, cited also on page 79287, do not require TCAS II for large cargo aircraft, and thus, the *RSVM Proposed Rule* would not impose a requirement that TCAS II be installed and operational on any aircraft not already subject to such a requirement.

Without accurate and operable TCAS, RVSM poses unacceptable risks to the safety of pilots, crew, passengers, aircraft and cargo. CAPA therefore urges FAA to amend its proposal to require TCAS II aboard all aircraft operating in the RVSM environment according to the ICAO standards the agency cites in the proposal. This would be consistent with the following mandate of Sec. 502 of the Wendell H. Ford Aviation Investment and Reform Act for the 21<sup>st</sup> Century (AIR-21), enacted last April:

The Administrator shall require by regulation that, no later than December 31, 2002, collision avoidance equipment be installed on each cargo aircraft with a maximum certificated takeoff weight in excess of 15,000 kilograms.

Section 502 further provides that such equipment must provide “cockpit-based collision detection and conflict resolution guidance, including display of traffic . . . and . . . a margin of safety of at least the same level as provided by the collision avoidance system known as TCAS-II.”

CAPA agrees with FAA that Version 7.0 of TCAS II should be required for the RVSM operations, for the reasons stated by FAA. In this way, pilots would not be distracted by false

alarms, and would know that traffic alerts announced by TCAS posed a real danger that demanded their attention. Because CAPA believes that safety would be compromised in RVSM operations without TCAS, it strongly opposes the granting of any waivers or exemptions from either the TCAS requirements it proposes or those that FAA has already proposed. CAPA urges FAA to state in the final rule on RVSM in the New York Flight Information Region portion of the West Atlantic Route System airspace that it will not consider or grant any such waivers or exemptions. FAA should not allow any air carriers or operators to detract from or erode the important safety safeguards TCAS will provide in the environment of reduced vertical separation minima in the New York Flight Information Region.

CAPA appreciates the opportunity to comment on this proposal to ensure that safety is not compromised.